

EXHIBIT D

**Tweet posted by Paul Gift
(@MMAanalytics) on
Twitter, dated November 2,
2018 at 10:55 PM**

Home Moments

Search Twitter

Have an account? Log in +

 **Paul Gift**
@MMAAnalytics

Follow

First page of final salvo before a possible trial. We're getting there, people. #UFClawsuit

4 does not address Zuffa's Statement of Undisputed Facts ("SUF"). That narrative relies heavily on the public statements of UFC's President, Dana White, but strong statements praising your own business and demeaning your competitors are evidence of competition, not of an antitrust case. 5 And Plaintiffs cannot use their expert to manufacture factual disputes. Plaintiffs never rebut with 6 evidence critical facts that require Zuffa's motion for summary judgment to be granted. Plaintiffs 7 concede that during the Class Period, Zuffa has (1) increased output of Zuffa events, (2) paid 8 athletes more, and (3) paid more than its competitors. CSOP ¶¶ 28, 31. Plaintiffs contend that 9 such facts are "irrelevant," but relevance is a legal issue, which is why this case should be decided 10 on summary judgment. 11

12 By contrast to the Complaint which survived dismissal based on a combined monopoly 13 and monopoly claim, on summary judgment, Plaintiffs and their experts have failed to attempt to 14 show antitrust injury or damages for a monopoly claim, or to attempt to perform the test for a 15 market for such a claim. Plaintiffs in opposing summary judgment can only pursue a monopoly 16 claim that the Ninth Circuit has called "counterintuitive" and has questioned whether such a 17 theory can make economic sense. *U.S. v. Syfy Entrep.*, 903 F.2d 659, 663 (9th Cir. 1990). Even 18 for that claim, Plaintiffs have shifted their theory to one based on "inique" fighters, a group that 19 is not defined, was not disclosed in discovery, and which is neither the basis of the markets that 20 have been defined nor the class for which certification is sought. The undisputed facts show that 21 Plaintiffs' remaining claim makes no economic sense: Zuffa's competitors had and have access 22 to talented MMA athletes, established venues, recognizable sponsors, and a wide variety of 23 platforms and television stations to distribute their events. Established competitors have grown, 24 and new competitors have entered the market and expanded. Nothing more is required in this.

10:55 PM - 2 Nov 2018

1 Like

2 1 1

 **RyanThomasMMA** @RyanThomasMMA - Nov 3
Replying to @MMAAnalytics
Sounds like the Plaintiff's are fighting a losing battle. Expecting a summary judgement ruling given this damning statement.

1 1 1

 **Paul Gift** @MMAAnalytics - Nov 3
I'm not done with the whole thing yet. But it doesn't look good.

1 1 1

 **RyanThomasMMA** @RyanThomasMMA - Nov 3
For sure. Will be keeping tabs on your TL today for pertinent updates 😊

1 1 1

 **Paul Gift** @MMAAnalytics - Nov 3
Am about to go to bed. Too tired.

1 1 2

 **Underrated Jab** @UnderratedJabs - Nov 2
Replying to @MMAAnalytics
Summary judgement for the UFC will arrive soon. These are just the nails in the coffin. No way this was ever going to trial unless they found something legit in discovery but they found nothing. If there was something legit to find the UFC would've settled before discovery anyway

1 1 1

© 2018 Twitter About Help Center Terms Privacy policy Cookies Ads info

© 2018 Twitter About Help Center Terms Privacy policy Cookies Ads info